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January 25, 2018

**BY ECF**

Hon. Ann M. Donnelly  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Michelle Carter v. JPMorgan Chase Bank, N.A.  
JPMorgan Chase Bank, N.A. v.  
Dahaleel 1, Inc., et al. (third-party action)  
EDNY Docket No. 17-cv-539 (AMD) (SLT)**

Dear Judge Donnelly:

We are counsel to defendant JPMorgan Chase Bank, N.A. ("Chase") and write in response to Your Honor's scheduling a pre-motion conference for January 30, 2018 following the request by Michael Sucher, Esq., counsel for third-party defendant Ahmed Omairat ("Ahmed"), who wishes to move to dismiss the third-party complaint against Ahmed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Ahmed is, upon information and belief, the principal and owner of, and authorized bank account signer for, Mazen Deli Grocery Corp., a delicatessen that received proceeds of a check plaintiff alleges was stolen from her.

After careful consideration, Chase has decided to dismiss Ahmed as a third-party defendant without prejudice, rather than amending the third-party complaint as of right and/or engaging in motion practice. Discovery with respect to the third-party defendants has not yet begun.<sup>1</sup> We have advised Ahmed's counsel, Mr. Sucher, of Chase's decision to dismiss Ahmed from the third-party complaint, without prejudice, to seek to amend later should the evidence warrant.

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<sup>1</sup> We note that Magistrate Judge Tiscione has scheduled a conference in this action for all parties' counsel on February 1, 2018.

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We are, of course, pleased to appear before Your Honor at the January 30 conference to discuss the proposed motion and the case. However, Chase's decision to dismiss Ahmed may obviate the need for the scheduled conference.

We enclose a courtesy copy of the Notice of Dismissal pursuant to F. R. Civ. P. 41(a)(1).

Respectfully submitted

A handwritten signature in black ink, appearing to read "Ronald M. Neumann", with a stylized, flowing script.

Ronald M. Neumann

RMN:mzg  
Enclosure

cc: All counsel by ECF

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Ronald M. Neumann  
David S.S. Hamilton  
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*Attorneys for Defendant / Third-Party Plaintiff  
JPMorgan Chase Bank, N.A.*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MICHELLE CARTER,  
Plaintiff,

- against -

JPMORGAN CHASE BANK, N.A.,  
Defendant.

JPMORGAN CHASE BANK, N.A.,  
Third-Party Plaintiff,

- against -

DAHALEEL 1, INC. d/b/a ROCKAWAY FARM  
DELI & GRILL, SALEM N. AL-GEMSH, SALAH  
M. OMAIRAT, AMMAR Y. AWAWEH, 579  
ISLAND MARKET, INC. d/b/a BREAD AND  
BUTTER MARKET, YASER AWAWEH,  
MUHAMMED PRATTS, LAMONT ROBINSON,  
MOHAMMED KHATARI, PICKLES & OLIVES,  
INC., MAZEN DELI GROCERY CORP.,  
KAMAL DARWISH, MUKHTER OMAIRAT,  
RANDY PRATTS, AHMED OMAIRAT,  
and "JOHN DOE NO. 1" to "JOHN DOE NO. 10,"  
inclusive, the last ten names being fictitious and  
unknown to the third-party plaintiff,

Third-Party Defendants.

Case No.: 17-cv-539 (AMD) (SLT)

**NOTICE OF DISMISSAL  
AS TO AHMED OMAIRAT ONLY**

TAKE NOTICE that third-party plaintiff JPMorgan Chase Bank, N.A. dismisses the third-party action without prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, as against Ahmed Omairat only.

Dated: New York, New York  
January 25, 2018

ZEICHNER ELLMAN & KRAUSE LLP

By: 

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David S.S. Hamilton  
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